



DEPARTMENT OF ADMINISTRATIVE SERVICES

Milwaukee County

July 24, 2018

To All Interested Consultants

Project: McKinley Marina Parking Lot Lighting

Project No.: P512-16628

Subject: REQUEST FOR PROPOSAL (R.F.P.)

Milwaukee County Department of Administrative Services is requesting proposals from qualified firms to provide engineering, planning and design services related to the McKinley Marina parking lot lighting as part of the reconstruction project of the parking lot area.

I. PROJECT BACKGROUND

In 2015, Milwaukee County Parks completed a Master Planning process for the parking lot and greater marina area. The planning effort identified several distinct areas that could be rebuilt in a phased strategy over several years without significantly affecting marina operations or other sections of the parking lot.

Milwaukee County Parks has allocated funding in their 2018 Capital Budget for the first phase of design and reconstruction of the McKinley Marina parking lot. The scope of the project includes replacing the parking lot at McKinley Marina (North Marina Parking Lot – Phase one) and access improvements including the construction of new storm water best management practices. This also includes the ticket booth, and the intersection improvements at Lincoln Memorial Drive and all underground utilities.

The McKinley Marina, along Lake Michigan in the City of Milwaukee, consists of buildings, boat launches, boat washes, dry dock storage, boat maintenance facilities, vehicle parking, and pedestrian areas. See Figure 1 for Site Survey. The project will address improvements to internal circulation and parking lot infrastructure such as lighting and stormwater drainage system. With respect to Sustainability and Energy Efficiency, lighting will be replaced with LED fixtures.

The electrical service is fed from the north side of the site with an overhead line that steps down to transformers and underground feeds across the site on the west side of the Yacht Club. From this location, underground services to various buildings and site lighting are routed across the site. There is also a series of high voltage cabling that is encased in a duct package that is within two to three feet of the asphalt surface. These cables are County owned and provide power to numerous locations at the Marina. The County stubbed an underground primary electric line when Lincoln Memorial Drive was completed, and it is recommended that new services be fed

from this underground line and the overhead infrastructure should be removed to maximum extent possible.

The parking lot contains an array of large light poles that provide a significant lighting level for the site, along with pedestrian level lighting along the boardwalk on the east side of the site. Although the lighting is functioning for the site, it is not appropriate and efficient for the site use, and should be replaced.

Additional communication and data feeds to the County building and the Yacht Club should be provided to improve data service to the area. Wi-Fi is provided from the yacht club to its users; however Wi-Fi is not currently available to north slip tenants and would be consistent with other slip rentals in the region.

II. SCOPE OF SERVICES

The successful consultant shall complete the project per the standard terms and conditions of the Milwaukee County Department of Administrative Services Facilities Management Division Stipulated Sum (Lump Sum) Consultant Agreement for Professional Services (Type "A" Agreement) (Attached). These efforts shall be consistent with the County's goals and budget for the McKinley Marina parking lot project. The selected consultant shall have overall coordination and scheduling responsibilities for all aspects of the electrical portion of the project.

General Requirements:

1. Review existing electrical requirements
 - Review existing planning documents for the site
 - Verify electrical service requirements for project and if a new service is required.
2. Conduct Detailed Site Investigation
 - Verify existing conditions and factors which may influence the construction documents.
 - Identify the location of the high voltage cabling that runs through an electrical duct route under the existing parking lot. These cables are County owned and provide power to numerous locations at the Marina. The ducts are shallow and should be abandoned in place.
 - Milwaukee County will provide all available utility drawings of County owned and maintained utilities within the area.
3. Contract Document Preparation, Bidding Services and Construction Oversight
 - Identify present and future site uses through review of planning documents.

- Prepare detailed wiring diagrams for the full development of the project site including feeding the Round House, Yacht Club, boat docks, ticket booth, fish cleaning station, light pole locations, and outlets for the boat storage area.
- Provide construction drawings and technical specifications for bidding and construction of the first phase of the recommended improvements. It is anticipated that the specified ticket booth and light poles as used at South Shore Park will be the same for this project.
- Develop a phasing plan for construction that will allow the new light poles to be installed in phases as the parking lot improvements are completed so the parking lot lights can be operational for the duration of the project in all areas of the parking lot
- Coordinate with We Energies for any electrical needs at the McKinley Marina.
- Develop an engineer's cost estimate of the electrical work and lighting for each phase of the project.
- Provide review of shop drawings and submittals.
- A construction coordinator from Milwaukee County will be assigned to manage the construction project. The selected consultant should anticipate periodic on-site construction observation and to be available for design clarifications and preparation of addendums as required to modify scope of work.
- Conduct final inspection of work for each phase and prepare "punch list" of items to be completed, modified and or corrected prior to Owner's acceptance of the project.
- Prepare Record Documents per Section H of the contract upon completion of the construction project.

4. Three Phases of Consultant Effort

- Phase 1 – Reconstruction of the parking lot entrance and western portion of the parking lot.
- Phase 2 - Reconstruction of the southeastern and southwestern portions of the parking lot.
- Phase 3 - Reconstruction of the northeastern and northwestern portions of the parking lot.

A consultant will be hired initially to complete the detailed design plans for the full development of the project site and to provide construction drawings and technical specifications for bidding and construction of the first phase of the construction project. Upon acceptance of the first

RFP for McKinley Marina Parking Lot

Milwaukee County Project No: P512-16628

phase of the project, the County may retain the same consultant to complete the construction documents for the following two phases. The County may, but will not be obligated to, extend the consultant agreement. The County reserves the right to pursue the process of hiring a different consultant for the next phase at its discretion.

The consultant shall structure their proposal on the basis of the schedule outlined in this request for proposal. Fees and hourly rates indicated in the proposal shall be expressed in current year 2018 rates. It is recognized that the actual scope and timing of the work may vary from the currently proposed schedule. The scopes and fees for the contract document preparation phase two and three will be reviewed at the time consideration is given to adding that phase of work to the consultant's contract.

III. QUALITY CONTROL

- a. Milwaukee County reserves the right to request partial or full reimbursement from consultants for change orders resulting from errors and omissions in the services they are contracted to provide.

IV. PROJECT SCHEDULE

The following are the major milestones for this project:

July 24, 2018:	Issue Request for Proposal
August 9, 2018:	Proposals due
August 20, 2018:	Selection Committee selects consultant
September 17, 2018:	Consultant Notice to Proceed
November 16, 2018:	Complete Contract Plans and Specifications
January 7, 2019:	Anticipated Construction Start (Phase One)
May 24, 2019:	Anticipated Construction Completion (Phase One)

V. SUBMISSION REQUIREMENTS

The proposal shall conform to Milwaukee County's Proposal Preparation, Submission and Evaluation Guidelines (see Attachment 2). The proposal shall include the Consultant Proposal Form (see Attachment 3) and be prepared in the following format:

- A. Cover Page: Include project number and name, project location, consultant's name, address, telephone number, e-mail address, proposal date, etc.
- B. Table of Contents: Include an identification of the material by section and page number.
- C. Letter of Transmittal: The name and description of the organization submitting the proposal briefly stating the proposers understanding of the service to be provided.
- D. Description of Organization and Staff Experience: Include an organizational structure of the project team, including the relationship of the sub-consultants to be used for this project. The name of the Principal In Charge of this project along with their Registration

Number in the State of Wisconsin must be clearly indicated in this section of the proposal, along with the name, occupation and title of the Project Manager who will be in charge of this project. Provide a resume' for each individual involved in the project, and include their name, title and/or duties for the project, professional registration, a brief description of related experience including time contribution in this capacity to past projects, and qualifications.

- E. Sub-Consultants: Indicate the names and addresses of any sub-consultants and/or associates proposed to be used in this project. State the capacity they would be used in and the approximate percentage of the total services they would provide. Also state there related past experience in the field.
- F. Project Approach: Provide a description of the design philosophy, the architectural and engineering problems you anticipate in this project and how you propose to overcome them.
- G. Scheduling: Provide a schedule indicating a sequence, timetable, and relationship of tasks which are necessary to complete the project. Include a statement indicating that the proposed project schedule can be met. Submit an alternate schedule if the consultant cannot meet the proposed schedule.
- H. Constant Effort: Include a spreadsheet/matrix listing the names, classifications, hourly rates and hours to be spent by task to complete the project as described in this RFP.
- I. TBE Firm Goals: The Targeted (Disadvantaged) Business Enterprise participation goal for this project/contract is 17% for consulting services.

- i. Community Business Development Partners (CBDP) is responsible for monitoring and enforcing Milwaukee County's Targeted Business Enterprise (TBE) Program for inclusion of small business. Targeted firms include DBE firms certified under the Unified Certification Program following Federal regulations and WBE and MBE certifications from the State of Wisconsin DOA.

For a non-certified firm bidding or proposing as Prime, participation may be obtained utilizing a TBE firm, whether DBE, MBE, or WBE. This allows for increased participation by providing opportunities for multiple certifications to be included in the project.

For a TBE firm bidding or proposing as Prime, the goal must be satisfied using DBE subcontractors or sub-consultants. MBE and WBE certifications count as additional participation once the goal is achieved through DBE participation. Any work a TBE Prime self-performs would be counted as additional participation in excess of the participation provided by subcontractors or sub-consultants.

Compliance reporting is accomplished from collection of data in the Diversity Management and Compliance System, utilizing B2GNow

software. Prime contractors are required to report payments received from the County and amounts paid to subcontractors in the system. Subcontractors will receive an automated email requesting them to confirm the amounts and whether the terms of the prompt payments policy were followed. There is no cost to the Prime or any subcontractor, the only requirement is to become a registered user and complete the one hour webinar training.

- li Contact the Community Business Development Partners Office at 414-278-4747 or cbdp@milwaukeecountywi.gov for questions related to TBE and DBE requirements.

- J. Fee Proposal: The fee for this project shall be clearly stated as an actual cost not-to-exceed fee for these services. A dollar amount for reimbursable items as described in the proposal should also be clearly stated.

V. PROPOSAL EVALUATION

See section XV of attachment 2 - Milwaukee County Proposal Preparation, Submission and Evaluation Guidelines for the evaluation criteria. Proposers must recognize this is not a bid procedure, and a Professional Services agreement will not be awarded solely on the basis of the low fee proposal. Milwaukee County reserves the right to accept or reject any and all proposals, issue addenda, request clarification, waive technicalities, alter the nature and/or scope of the proposed project, request additional submittals, and/or discontinue this process.

The proposal evaluation team will be made up of three to four individuals with technical knowledge of the requirements and familiarity with the project. Depending on the number and quality of the proposals, Milwaukee County may decide to conduct interviews of a short-list of consultants. The evaluation team may select up to two consultants to attend an interview, which, if required, will be held during the week of August 20th. The interview will be evaluated based on project team, experience and qualifications, project understanding, and the overall presentation.

The project manager will post this RFP, as well as any pre proposal meeting minutes, sign in sheets, addendums and other information related to this project to the Milwaukee County Construction RFP website:

<http://county.milwaukee.gov/ConstructionBidsandR23075.htm>

The consultant should consider information on this website to be part of the official RFP. Please check the site frequently. To allow time for proposal preparation, Milwaukee County will not post anything new within two days of the proposal due date.

IV. GENERAL REQUIREMENTS

- A. The selected consultant and/or any contractor affiliated with the prime consultant shall be prohibited from submitting bids in the construction bidding process for this project.
- B. Selected consultant shall follow Milwaukee County Code of Ethics as follows: No person(s) with a personal financial interest in the approval or denial of a Contract being considered by a County department or with an agency funded and regulated by a County department, may make a campaign contribution to any County official who has approval authority over that Contract during its consideration. Contract consideration shall begin when a Contract is submitted directly to a County department or to an agency until the Contract has reached final disposition, including adoption, County Executive action, proceeding on veto (if necessary) or departmental approval.
- C. The selected consultant must be an Equal Opportunity Employer.
- D. The proposal shall conform with all attached documents. All proposals should use this RFP and its attachments as the sole basis for the proposal. The issuance of a written addendum are the only official method through which interpretation, clarification or additional information will be given.
- E. All costs for preparing a proposal, attending the selection interview if required, or supplying additional information requested by Milwaukee County, is the sole responsibility of the submitting party. Material submitted will not be returned.
- F. The proposal must be submitted in a single bound 8-1/2" x 11" document.
- G. With the signing and submission of a statement or proposal the submitting consultant certifies that the standard terms and conditions of the Agreement for Professional Services (that will be used to contract with the selected consultant) has been read and understood and that the submitting consultant is ready, willing and able to sign the agreement when requested without making any substantive changes.

Submit four copies of the proposal, sealed in an envelope or equivalent, no later than August 9, 2018 by 12:00 p.m.

The proposals shall be addressed and submitted to:

David S. Gulgowski, P.E.
Managing Engineer
Milwaukee County - DAS
633 W. Wisconsin Ave., Suite 1006
Milwaukee, WI 53203

Proposals submitted by telephone, fax, or email will be rejected.

Questions regarding this RFP should be sent in writing via e-mail at:
david.gulgowski@milwaukeecountywi.gov

Sincerely,


David S. Gulgowski, P.E.

Attachments:

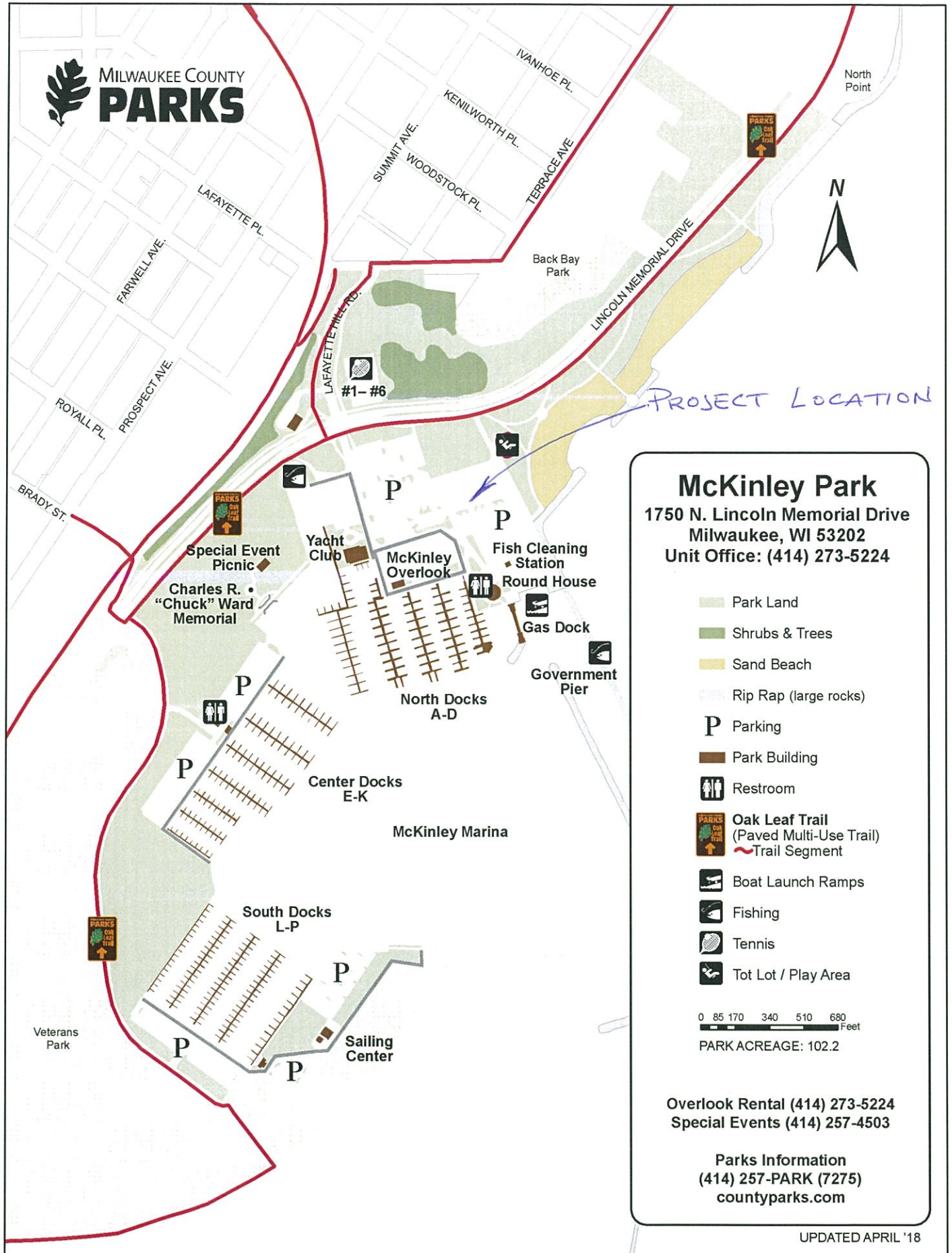
1. Project Location Map
2. Proposal Preparation, Submission and Evaluation
3. Consultant Proposal Form
4. DBE / TBE Forms

cc: Greg High, DAS-FM
Brad Drefcinski, DAS
Sarah Toomsen, DPRC
Chris Jain, DAS

Tony Crivello, DPRC
Brian Engel, CBDP
C. Hardy, DAS-FM

ATTACHMENT 1

PROJECT LOCATION MAPS



	Number of Spaces		
	Existing Spaces	Scenario 1	Proposed Abbr.
Existing	170	318	341
General Park	170	318	341
Adjoining Beach/Handicapped	45	34	20
Handicapped	312	114	154
Self-Drive / General Parking	142	320	172
North Access	101	98	63
General Parking	590	529	527
Handicapped (Not Used for Storage)			
General Future General		60	0
Future Beach House		33	33
Handicapped		17	17

	Square Feet	
	Existing	Scenario 1
General Future General	47,000	75,000
Handicapped	47,000	47,000

MC KINLEY BEACH

ENT

WATER OF C.

MACADAM, P. 1978. Seasonal Temp.-Volume Curves, pp. 417-420.

ATTACHMENT 2

PROPOSAL PREPARATION, SUBMISSION & EVALUATION GUIDELINES

I. **Explanation to Prospective Offerors**

Any prospective offeror desiring an explanation or interpretation of this RFP must request it in writing no later than seven business days before the last date for submission of proposals. Requests should be directed to the individual in charge at the address listed in the RFP. Any information given to a prospective offeror concerning a solicitation will be furnished promptly to all other prospective offerors as an amendment to the RFP, if that information is necessary in submitting offers or if the lack of it would be prejudicial to any other prospective offerors.

II. **Complete Proposals**

Proposals shall represent the best efforts of the offerors and will be evaluated as such. Proposals must set forth full, accurate, and complete information as required by this section and other sections of this RFP.

III. **Unnecessarily Elaborate Proposals**

Brochures or other presentations beyond those sufficient to present a complete and effective response to this solicitation are not desired and may be construed as unnecessarily elaborate and an indication of the offeror's lack of cost consciousness. Elaborate art work, expensive paper and binding, and expensive visual and other presentation aids are neither necessary nor desired. Concise and clear proposals are sought.

IV. **Retention of Proposals**

All proposal documents shall be retained by the County and therefore, will not be returned to the offerors. The County will not pay for preparation of proposals or for proposals that are retained by the County.

V. **Examination of Proposals**

Offerors are expected to examine the Site, Statement of Work and all instructions and attachments in this RFP. Failure to do so will be at the offeror's risk.

VI. Legal Status of Offeror

Each offeror must provide the following information in its proposal:

- A. Name of the offeror;
- B. Whether offeror is a corporation, joint venture, partnership (including type of partnership), or individual;
- C. Copy of any current license, registration, or certification to transact business in the State of Wisconsin if required by law to obtain such license, registration, or certification. If the offeror is a corporation or limited partnership and does not provide a copy of its license registration, or certification to transact business in the State of Wisconsin, the offeror shall certify its intent to obtain the necessary license, registration or certification prior to contract award or its exemption from such requirements; and
- D. Copies of any current license, registration or certification required in RFP;
- E. If the offeror is a partnership or joint venture, names of general partners or joint venturers.

VII. Organization of Offeror

Each proposal must further contain a chart showing the internal organization of the offeror and the numbers of regular personnel in each organizational unit.

VIII. Offerors Authorized Agent

Each proposal shall set forth the name, title, telephone number, and address of the person authorized to negotiate in behalf of the offeror and contractually bind the offeror, if other than the person signing the proposal.

IX. Price Schedule Submission

Offerors are to submit prices for each item identified in the Proposal. Offers for services other than those specified will not be considered. The prices set forth in the schedule will be used for evaluation purposes and for establishing a contract price. Milwaukee County reserves the right to accept or reject any and all Proposals.

X. Certification and Representations

Offerors shall return with their proposal resumes and any other documents as may be requested in the RFP.

XI. Signing of Offers

The offeror shall sign the proposal and print or type its name on the form. Erasures or other changes must be initialed by the person signing the offer. Offers signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the County.

XII. Proposal Guarantee

By submitting a proposal the offeror guarantees that it will keep its initial offer open for at least 60 days.

XIII. Acknowledgement of Amendments

Offerors shall acknowledge receipt of any amendment to this solicitation by signing and returning the amendment or by letter or telegram including mailgrams. The County must receive the acknowledgment by the date and time specified for receipt of offers. Offeror's failure to acknowledge an amendment may result in rejection of the offer.

XIV. Late Proposals and Modifications and Withdrawals of Proposals

Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered.

XV. Proposal Evaluation Criteria

Following a list of general criteria which will be used to evaluate the proposals:

- a. Quality and responsiveness to the RFP. Weight: 20%
- b. Project approach and understanding, including strategy to perform requested work and time schedule. Weight: 30%.
- c. Qualifications and experience. Weight: 35%
- d. Fee and hourly rates. Weight: 15%.

XVI. Staffing

Consultant shall provide, at its own expense, all personnel required in performing the services under this agreement. Such personnel shall not be employees of Owner.

The offeror must describe his or her qualifications and experience to perform the work described in this RFP. Information about experience should include direct experience with the specific matter and similar facilities. Areas of expertise of each proposed staff member shall be provided (i.e., engineering, economics, architecture, planning). Specific examples of similar or related projects previously conducted shall cite:

- Name of client organization
- Name, address, and current telephone number of client contact person
- Contract number and inclusive dates
- Contract amount

Offeror shall provide the following information for every resume:

- Full name
- Title and areas of specialty
- Affiliation (that is, staff of offeror or subconsultant)
- Experience directly related to the proposed project
- Education/training
- Individual personnel hours and percentage of total project time which will be devoted to the proposed project in total and broken down by task. (See suggested matrix below)
- Resumes shall be included for all personnel expected to work on the project. Only resumes of staff or subconsultant staff employed by or under contract with the firm as of the date of proposal submission are to be included.

TASK	NAME OF EMPLOYEE 1	NAME OF EMPLOYEE 2	ETC.....	EXPENSES	SUB TASK	TASK TOTAL
	HOURLY RATE W/OH	HOURLY RATE W/OH	ETC.....		TOTAL	
DESCRIPTION						
1. TASK 1	Number of Hrs/Task	Number of Hrs/Task				
2. TASK 2						
3. TASK 3						
4. TASK 4						
5. TASK 5						
6. TASK 6						
TOTAL HOURS						
TOTAL COST						
% OF TIME						

TOTAL FEE

ATTACHMENT 3

CONSULTANT PROPOSAL

Page 1 of 1
MILWAUKEE COUNTY
DEPARTMENT OF ADMINISTRATIVE SERVICES
ARCHITECTURE, ENGINEERING, & ENVIRONMENTAL SERVICES SECTION

PROJECT: McKINLEY MARINA PARKING LOT
P512-16628

CONSULTANT PROPOSAL

- I. Engineering, Planning and Design for the full development of the electrical work at the McKinley Marina project site and Contract Document Preparation Services for Phase One of the recommended improvement.

BASIC SERVICES (Include services of all needed subconsultants)

Stipulated Sum (Lump Sum) fee: \$
(_____)

- II. Bidding and Periodic On Site Construction Oversight Services
ADDITIONAL SERVICES (Include services of all needed subconsultants)

Actual Cost Not to Exceed Sum: \$
(_____)

III. PRINCIPAL IN CHARGE

Name of Principal

Engineer's Registration No. in Wisconsin

Flat hourly rate for principal

Participation of Targeted Business Enterprise at the rate of 17% is required.

Firm Name

Authorized Signature

Title

Date

ATTACHMENT 4

TARGETED BUSINESS ENTERPRISE (TBE) INSTRUCTIONS & FORMS

TARGETED BUSINESS ENTERPRISE (TBE) REQUIREMENTS

Community Business Development Partners (CBDP) is responsible for monitoring and enforcing the Milwaukee County Target Enterprise (MCTE) Ordinance for inclusion of small business. Target firms include DBE firms certified under the Wisconsin Unified Certification Program following Federal regulations, WBE and MBE certifications from the State of Wisconsin DOA, SBE firms certified by Milwaukee County, and SBE firms meeting SBA size standards and listed in the SAM directory.

Targeted Business Enterprise (TBE) participation goal for this RFP is 17%. To be considered, you must submit signed *Commitment to Contract with TBE* (TBE-14) forms, one for each of the TBE firms included to meet participation. TBE-14 form(s) must identify (1) the TBE firm by name and address, (2) the scope of service(s) to be provided, (3) the dollar amount and (4) the percentage. The form is first completed and signed by the Prime, then forwarded to the TBE subconsultant for signature in the affirmation section. Signatures must occur in the proper date order sequence, or the form may be considered non-responsive. CBDP is entitled to reject your Proposal for improperly completed forms.

CBDP may be contacted at 414-278-4851 or cbdpcompliance@milwaukeecountywi.gov for assistance in identifying TBE firms and understanding the County's TBE Program.

Following are the links to Directories for firms eligible for credit:

DBE <http://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/certified-firms.aspx>

MBE WBE <http://www.doa.state.wi.us/Divisions/Enterprise-Operations/Supplier-Diversity-Program>

Milwaukee County SBE <https://mke.diversitycompliance.com/Default.aspx>

SAM Directory for Federal SBE <https://www.sam.gov/portal/SAM#1>

Adherence with prompt payment requirements is monitored through information entered into the Diversity Management and Compliance System, utilizing B2GNow software. Prime consultants are required to report payments received from the County and amounts paid to subconsultants. Subs will receive an automated email requesting them to confirm the amounts and whether the terms of the prompt payment policy were complied with. There is no cost to the Prime or any subconsultant, the only requirement is to become a registered user and complete the one hour webinar training. The County will enter the Primes contract, and the Prime will enter all subconsultants, including both TBE and non-TBE firms.



COMMUNITY BUSINESS DEVELOPMENT PARTNERS MILWAUKEE COUNTY

TARGETED BUSINESS ENTERPRISE (TBE) UTILIZATION SPECIFICATIONS for PROFESSIONAL SERVICES

1. The award of the contract is conditioned upon achieving the project's Targeted Business Enterprise (TBE) participation goal of 17%. Firms that qualify as a TBE include DBE firms certified by and listed in the Wisconsin Unified Certification Program (UCP) directory, MBE and WBE firms certified by the State of Wisconsin DOA and listed in the directory, SBE firms certified by Milwaukee County and listed in the Milwaukee County directory, and SBE firms that meet the SBA size standards and are listed in the SAM directory. All firms must be certified prior to the bid submission deadline. A firm certified in another state must be certified by the Wisconsin UCP or State of Wisconsin DOA prior to submission of bid.
2. **TBE Participation:** The participation goal is based upon the total dollar value of your proposal less reimbursable items. Participation must be maintained throughout the contract, including any fee increases. For either a non-certified firm or DBE proposing as Prime, participation may be obtained utilizing a TBE firm, whether DBE, MBE, SBE or WBE. For a TBE firm proposing as Prime the goal must be satisfied using only DBE firms and MBE, SBE and WBE certifications count as additional participation once the goal is achieved through DBE participation. Any work a TBE Prime self-performs would be counted as additional participation in excess of the participation provided by certified sub-consultants.

PROPOSAL CONSIDERATIONS

3. The County may reject your proposal if it does not include the ***Commitment to Contract with TBE (TBE-14)*** form(s), one completed for each of the firms you are including for participation. The Prime must indicate the dollar amount of work to be provided to the sub-consultant, sign the form, and have the TBE firm sign the form in the affirmation section prior to acceptance of your proposal by the County.
4. If awarded the contract, you will enter into a contractual agreement, directly or through sub-consultant, according to the ***Commitment to Contract with TBE (TBE-14)*** form(s) provided with your proposal. Copies of the executed agreements(s) will be submitted to the County.
5. TBE participation credit is calculated as follows:
 - a. All of the identified scope(s) of work must have a commercially useful function in the actual performance of the contract and work must be performed directly by the TBE with their own employees.
 - b. One hundred percent (100%) for the work performed by a TBE sub-consultant. If a TBE subcontracts a portion of work to another firm, the value of the subcontracted work will not be counted towards the TBE participation unless the work is performed by another TBE.
 - c. You must notify the County if any TBE contractor(s) sublet any portion of their work.
6. The County reserves the right to request supporting documentation from both you and any listed TBE. If you fail to respond within the time specified, the County may determine you to be non-responsive and remove you from further consideration for contract award.



COMMUNITY BUSINESS DEVELOPMENT PARTNERS MILWAUKEE COUNTY

FOLLOWING CONTRACT AWARD

7. The County reserves the right to conduct compliance reviews and request, both from you and your subs, supporting documentation to verify TBE participation, in addition to the information entered monthly into the County's online reporting system. The County will notify you if you are not in compliance with contract terms. If you fail to take corrective action as directed, the County may take one or more of the following actions:
 - a. Terminate or cancel your contract, in whole or in part;
 - b. Remove you from the list of qualified consultants, and refuse to accept future proposals from you for a period not to exceed three (3) years;
 - c. Withhold contract payments to cover shortfall; and/or
 - d. Bring suit to recover damages up to the amount of the shortfall, including interest at the rate of 12% annually, plus the County's costs, expenses and actual attorney's fees incurred in the collection action.
8. You must submit copies of the executed subcontract agreement(s) for each of the sub-consultants listed on the contract. REQUESTS FOR PAYMENT WILL BE DELAYED IF NOT SUBMITTED.
9. If the TBE(s) cannot perform, or any other issues arise, you must immediately contact CBDP Compliance at (414) 278-4851. You must submit written notification of your desire for substitution to the TBE affected, and copy the County. This notice must state the reason for the request. The TBE has five (5) business days to provide written objection/acceptance to you. Approval must be obtained from County prior to making any substitutions. TBE consultants are also required to notify and obtain approval from the County prior to subletting work.
10. The Prime will record payments received from the County and payments made to sub-consultants directly into the County's online reporting system on a monthly basis. These entries will cover payments during the preceding month and will include zero dollar (\$0) entries where no payment has occurred. You must also indicate on the invoice work being performed by TBEs. Either a) place the word "TBE" behind the work item or b) break out the work done by TBEs at the end of the report. Failure to comply may result in withholding of payments, or enforcement of other sanctions including those listed in Section 7, above.
11. The County has a revolving loan program for DBE firms. If you have contracted with a DBE that is using these County funds, you must assist the County for repayment of these funds. This may include, but is not limited to, providing written information regarding the sub's contract balance, prior payment (two or three party) agreements, and the issuance of two-party checks payable in the name of Milwaukee County and the DBE indebted to the County under this program.
12. The County reserves the right to waive any of these specifications when it is in our best interest.



COMMUNITY BUSINESS DEVELOPMENT PARTNERS MILWAUKEE COUNTY

COMMITMENT TO CONTRACT WITH TBE

PROJECT No. _____ PROJECT TITLE _____

TOTAL CONTRACT AMOUNT (less allowances) \$ _____ TBE Goal: _____

Name & Address of TBE	Scope of Work Detailed Description	1) TBE Contract Amount	2) % of Total Contract

- 1) The total project contract amount is an estimate based on the outcome of negotiation between the Prime and Milwaukee County. In some situations the TBE sub-contract amount **might NOT** be based on the total project contract amount.
- 2) The **percentage** is based on the eligible scope of services that TBE participation can reasonably be obtained; which might not be based on the total project contract amount. The commitment percentage is the key indicator of TBE participation. The **Pass/Fail** determination is based on the percentage stated in the RFP/BID. If the Prime is using one or multiple TBE companies the sum of the percentages **MUST** satisfy the minimum percentage stated in the RFP/BID. Note the percentage indicated on this document will be viewed by CBDP the Prime's **COMMITMENT** to the TBE company.

Bidder/Proposer Commitment (To be completed by firm committing work to TBE)

I certify that the TBE firm quoted the identified service(s) and cost(s). I further acknowledge our firm having negotiated with, and having received confirmation, on partnering, pricing and delivery from the TBE firm listed herein.
 Prime Contractor/Consultant _____ Phone _____, or one of our subs, will enter into contract with the TBE firm listed, for the service(s) and amount(s) specified when awarded this contract. The information on this form is true and accurate to the best of my knowledge. I further understand that falsification, fraudulent statement, or misrepresentation will result in appropriate sanctions under applicable law.

Signature of Authorized Representative

Name & Title of Authorized Representative

Date

TBE Affirmation (To be completed by TBE Owner/Authorized Representative)

- I affirm that our company is certified as (check all certifications that apply)
 - _____ DBE by the Wisconsin Unified Certification Program certifying partners
 - _____ MBE by State of Wisconsin DOA
 - _____ WBE by State of Wisconsin DOA
 - _____ SBE by SBA Federal Size Standards, NAICS and registered in SAM
 - _____ SBE by Milwaukee County
- I acknowledge and accept this commitment to contract with my firm for the service(s) and dollar amount(s) specified herein. I understand and accept that this commitment is for service(s) to be rendered in completion of the project specified herein and all work is to be completed with my own forces. I affirm that approval from CBDP will be obtained prior to subletting any portion of this work awarded to my firm on this project. I affirm that our company meets one of the following requirements: Certified as DBE and listed in the Wisconsin UCP Directory, certified as MBE or WBE with the State of Wisconsin DOA, or SBE firm certified by Milwaukee County or meets the SBA size standards and is listed in the SAM directory.

Signature of Authorized TBE Representative

Name & Title of Authorized TBE Representative

Phone Number

Date

FOR CBDP USE ONLY

Commitment number ____ of ____ Participation: _____ Project Total: _____

Authorized Signature

Date



COMMUNITY BUSINESS DEVELOPMENT PARTNERS MILWAUKEE COUNTY

COMMITMENT TO CONTRACT WITH TBE

ADDITIONAL INFORMATION & REQUIREMENTS:

Links to Directories for firms eligible for credit:

DBE <http://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/certified-firms.aspx>

MBE and WBE <http://www.doa.state.wi.us/Divisions/Enterprise-Operations/Supplier-Diversity-Program>

Milwaukee County SBE <https://mke.diversitycompliance.com/Default.aspx>

SAM Directory for Federal SBE <https://www.sam.gov/portal/SAM/#1>

1. **CONTRACT ADJUSTMENTS:** The successful Bidder/Proposer will maintain the approved TBE participation level during the term of the contract with the County, including any additional work on the contract, e.g., change orders, addendums, scope changes, or fee increases.

2. **WRITTEN CONTRACTS WITH TBE:** The County requires that the successful Bidder/Proposer enter into contract, directly or through subs, as stated in this form. Agreements must be submitted to the County within 7 days of receipt of the Notice-To-Proceed. By executing this commitment, you are certifying that you have had contact with the named TBE firm and that they will be hired if you are awarded the contract by the County.

3. **SUBSTITUTIONS, TBE SUBCONTRACTING WORK, TRUCKING FIRMS:** The successful Bidder/Proposer must submit written notification of desire for substitution to the TBE affected, and send a copy to the County, stating the reason(s) for the request. The TBE will have five (5) business days to provide written objection/acceptance of the substitution. The "right to correct" must be afforded any TBE objecting to substitution/termination for less than good cause as determined by the County. Approval must be obtained from the County prior to making any substitutions. TBE firms are required to notify and obtain approval from the County prior to seeking to subcontract out work on this project. In the case of TBE trucking firms, credit will be given for trucks leased from other TBE firms; however, if the TBE leases trucks from non-TBE firms, the commission or fee will be counted for crediting.

4. **REQUESTS FOR PAYMENT:** The successful Bidder/Proposer must indicate on the Continuation Sheet (AIA form G703, or equivalent) or invoice for consulting the work being performed by TBE by either a) placing the word "TBE" behind the work item or b) breaking out the work done by TBES at the end of the report. The successful Bidder/Proposer shall notify TBE firms of the date on which they must submit their invoices for payment.

5. **TBE UTILIZATION REPORTS:** The successful Bidder/Proposer will enter payments to subs and suppliers directly into the County's online reporting system on a monthly basis. These entries will cover payments made during the preceding month and will include zero dollar (\$0) entries where no payment has occurred.

If you have any questions related to the Milwaukee County Target Enterprise Program, please contact:

414.278.4851 or cbdpcompliance@milwaukeecountywi.gov